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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,202	02/05/2001	Takeshi Takeda	TAKEDA 11	1656

1444 7590 07/12/2004

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER

CHO, UN C

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,202

Applicant(s)

TAKEDA, TAKESHI

Examiner

Un C Cho

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 4/27/2004 was filed after the mailing date of the Application #09/762,202 on 2/5/2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claim 6 is objected to because of the following informalities:
In claim 6, line 13 it recites "finer-mounted" it should be "finger-mounted" instead.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoi (US 5,757,934) in view of Saksa (US 5,659,611).

Regarding claim 6, Yokoi teaches a portable telephone unit (Yokoi, Fig. 8, D) comprising a bone conduction speaker (Yokoi, Fig. 8, 1) through which a user listens to a received voice sound, a main body (Yokoi, Fig. 8, D), the bone

conducting speaker being spaced apart from the main body (Yokoi, Fig. 8), a vibrating portion with a rear surface on the bone conduction speaker (Yokoi, Fig. 1, 3) (Yokoi, Col. 3, lines 48 – 51). However, Yokoi fails to teach a finger-mounted portion fixed on the rear surface, wherein the finger-mounted portion has a cap shape or ring shape, wherein the bone conduction speaker can be mounted on a fingertip of the user through the finger-mounted portion. In contrast, Saksa teaches a finger-mounted portion wherein the finger-mounted portion has a cap shape (Saksa, Fig. 1, 24), wherein the speaker can be mounted on a fingertip of the user through the finger-mounted portion (Saksa, Col. 2, lines 49 – 53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Saksa to Yokoi to mount the bone conduction speaker on a fingertip of the user through the finger-mounted portion to provide a wrist-carried radio telephone instrument wherein the speaker-to microphone distance is automatically adjustable to fit every user.

Regarding claim 7, Yokoi as modified by Saksa teaches an electric connecting cord for connecting the bone conduction speaker with the main body of the portable telephone (Saksa, Fig. 1, 34, 36, 38 and 40) (Saksa, Col. 2, lines 56 – 59) can be withdrawn into the main body of the portable telephone by means of a take-up reel (Saksa, Col. 3, lines 11 – 14).

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5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoi in view of Saksa as applied to claim 6 above, and further in view of Saarikko et al. (US 5,597,102).

Regarding claim 8, Yokoi as modified by Saksa teaches a wristwatch. However, Yokoi as modified by Saksa fails to teach a clip in a rear side of the main body of the mobile communication unit enabling the main body to be mounted on a band of a wristwatch of the user. In contrast, Saarikko teaches a clip in a rear side of the main body of the mobile communication unit (Saarikko, Col. 2, lines 28 – 29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Saarikko to Yokoi and Saksa to provide a device for removably attaching a portable telephone.

Response to Arguments

6. Applicant's arguments with respect to claims 1 – 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703)305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
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LEE NGUYEN
PRIMARY EXAMINER